

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JESSE R. SENA,

Plaintiff,

v.

CIV 03-229 KBM

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

ORDER TO ASSIGN MATTER TO A DISTRICT JUDGE
AND
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION

Plaintiff did not file a consent/refusal to consent form as requested. Consequently, I am without authority to enter final judgment on a dispositive matter. Defendant filed a motion to dismiss this action for lack of jurisdiction because, through his original attorney, Plaintiff failed to timely file an appeal to the Office of Hearings and Appeals and failed to respond to that office's offer to show good cause. *See Doc. 6.* Plaintiff's current attorney failed to send his materials in response to the offer to show cause to the correct address. For the reasons stated in Defendant's motion and reply, *Docs. 6, 9*, which I incorporate here by reference, I find the motion well-taken and recommend that it be granted.

Wherefore,

IT IS HEREBY ORDERED that the Clerk assign this matter to a district judge.

IT IS ALSO HEREBY RECOMMENDED that Defendant's motion (*Doc. 6*) be granted and this action dismissed.

THE PARTIES ARE FURTHER NOTIFIED THAT WITHIN 10 DAYS OF SERVICE of a copy of these Proposed Findings and Recommended Disposition they may file written objections with the Clerk of the District Court pursuant to 28 U.S.C. § 636(b)(1). A party must file any objections with the Clerk of the District Court within the ten-day period if that party wants to have appellate review of the proposed findings and recommended disposition. If no objections are filed, no appellate review will be allowed.


Karen B. Molzen
UNITED STATES MAGISTRATE JUDGE